

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Tonda Smith,)	Case No. 7:17-cv-01043-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Palmetto Denture Care PA,)	
)	
Defendant.)	
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This matter is before the Court upon Defendant's motion for summary judgment. ECF No. 89. Plaintiff filed a response in opposition, and Defendant filed a reply. ECF Nos. 100, 102. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On May 28, 2019, the Magistrate Judge issued a Report recommending that the motion be granted with respect to Plaintiff's claims for sexually hostile work environment and race discrimination; the Magistrate Judge recommended that the motion be denied with respect to Plaintiff's claim for retaliation. ECF No. 105. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Neither party has filed objections, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Accordingly, Defendant’s motion for summary judgment [89] is **GRANTED in part** with respect to Plaintiff’s causes of action for sexually hostile work environment and race discrimination and **DENIED in part** with respect to Plaintiff’s cause of action for retaliation.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.
United States District Judge

June 24, 2019
Spartanburg, South Carolina